



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105

DEC 21 2009

Mr. Peter Ciesla  
Federal Aviation Administration, Western Pacific Region, Airports Division  
PO Box 92007  
Los Angeles, CA 90009-2007

Subject: EPA Comments on the Adoption of the Final Environmental Impact Statement for the  
Oakland International Airport Connector (CEQ #20090404)

Dear Mr. Ciesla:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published on November 27, 2009, describing Federal Aviation Administration's (FAA) intent to adopt the Federal Transit Administration's (FTA) Final Environmental Impact Statement (Final EIS) for the Oakland International Airport Connector. The Final EIS prepared by FTA for this project was completed in 2002. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

Because your agency is adopting the Final EIS that EPA previously reviewed and commented on, we are attaching the previous Draft EIS and Final EIS comment letters prepared for the project. At the time of our agencies review of the Final EIS, in 2002, our agency had no remaining concerns with the project. However, we note that seven years have passed since the completion, and review, of that document. In the Record of Decision, we urge FAA to confirm that data and analysis (including modeling and assumptions used), as well as additional information used to support decisions, are still timely, appropriate, and supported. Where new information (available in the last seven years) leads FAA to additional analysis and/or measures to further reduce environmental impacts, additional commitments to reduce impacts should be presented in the Record of Decision.

EPA appreciates the opportunity to comment on the adoption of the Final EIS. Once the Record of Decision is signed, please send a copy to the address above (mail code: CED-2). If you have any questions, please contact me, at 415-947-4161, or [dunning.connell@epa.gov](mailto:dunning.connell@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Connell Dunning".

Connell Dunning, Transportation Team Supervisor  
Environmental Review Office (CED-2)

Enclosure: EPA's September 17, 2001 comment letter on the Draft Environmental Impact Statement for the Oakland International Airport Connector  
EPA's May 10, 2002 comment letter on the Final Environmental Impact Statement for the Oakland International Airport Connector

CC: Ray Sukys, Federal Transit Administration



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

May 10, 2001

↳ (actually 2002 - CED)

Donna Turchie  
Federal Transit Administration, Region IX  
201 Mission Street, Room 2210  
San Francisco, CA 94105

Dear Ms. Turchie:

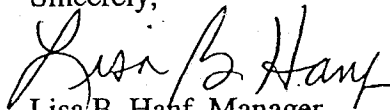
The Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the **BART-Oakland International Airport Connector**, Alameda County, California (CEQ Number: 020140, ERP Number: FTA-K51041-CA). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The Federal Transit Administration (FTA) and the Bay Area Rapid Transit District (BART) propose the construction of a BART-Oakland International Airport Connector project, which will improve access to the airport using direct connections to the existing regional BART rail transit system. Three alternatives were studied in detail in the Draft Environmental Impact Statement: (1) a No Action Alternative, (2) a Quality Bus Alternative, and (3) an Automated Guideway Transit (AGT) Alternative providing an exclusive aerial guideway for transit vehicles. The FEIS identifies the AGT Alternative as the Preferred Alternative.

EPA reviewed the Draft Environmental Impact Statement in September, 2001 and rated the document *EC-2, Environmental Concerns-Insufficient Information*. We requested additional information on the Quality Bus maintenance/storage facility and impacts to wetlands. In our review of the FEIS, we found that FTA and BART did an excellent job responding to our concerns and made appropriate changes in the FEIS. All of EPA's concerns are adequately addressed in the FEIS.

We appreciate this opportunity to review the FEIS and look forward to the successful completion of this project. If you have further questions, please feel free to contact me or Nova Blazej, the primary contact for this project. Nova Blazej can be reached at 415-972-3846 or [blazej.nova@epa.gov](mailto:blazej.nova@epa.gov).

Sincerely,

  
Lisa B. Hanf, Manager  
Federal Activities Office

cc: Donald Dean, BART



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

September 17, 2001

Donna Turchie  
Federal Transit Administration, Region IX  
201 Mission Street, Room 2210  
San Francisco, CA 94105

Dear Ms. Turchie:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the **BART-Oakland International Airport Connector**, Alameda County, California (CEQ Number: 010281, ERP Number: FTA-K51041-CA). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act.

The San Francisco Bay Area Rapid Transit District (BART) is proposing a BART-Oakland International Airport Connector (Connector) project to improve access to the airport using direct connections to the existing regional BART rail transit system. The Connector would link the Oakland International Airport and the Coliseum BART Station, a distance of approximately 3.2 miles. Three project alternatives are analyzed in the DEIS: 1) No Action Alternative, 2) Quality Bus, and 3) Automated Guideway Transit (AGT).

The Quality Bus alternative consists of a fleet of nine new 60-foot, articulated buses that would utilize existing roads along with other traffic, but would enjoy traffic signal pre-emption along Hegenberger Road. An exclusive lane for the Quality Bus would be provided at Oakland International Airport, as well as two new stations, one at the BART station and the other at the airport. The AGT Alternative consists of an exclusive aerial guideway for transit vehicles. The guideway would be elevated for its entire length, except in the vicinity of the North Field runways and a short tunnel passing beneath the Airport Drive/Doolittle Drive Interchange. Although various technology options are discussed, a specific AGT technology has not been selected for this project. Depending on the AGT technology selected, three or four power substations would be required. Both the Quality Bus and the AGT alternatives include maintenance facilities. A Preferred Alternative is not identified in the DEIS.

EPA is highly supportive of the BART-Oakland International Airport Connector concept. EPA encourages projects that reduce vehicle miles traveled by providing communities with viable options to driving. EPA applauds the project goals to increase transit ridership, reduce air emissions, reduce overall energy consumption, and to serve as a catalyst for public and private ventures to economically revitalize the study area. We look forward to the successful implementation of this project.

There are several meritorious elements of this project, including the development and implementation of a Construction Energy Conservation Plan and the replacement of impacted trees with native tree species. In addition, the document is very well prepared. The format is clear and easy to follow, and mitigation measures are clearly laid out both in the Summary Impacts Table and in the text of the DEIS. We are, however, concerned with the absence of pertinent project information. Specifically, the DEIS does not include information about the candidate maintenance/storage facility sites under consideration for the Quality Bus Alternative, nor has a formal jurisdictional wetland delineation been performed. Based on these concerns, we have rated the document *EC-2, Environmental Concerns-Insufficient Information*. Please see the attached *Rating Factors* for a description of our rating system. As a Preferred Alternative has not been identified, this rating applies to each of the alternatives presented in the document.

Attached is a detailed set of EPA's recommendations for the Final EIS (FEIS). If you have any questions, please feel free to contact me or Nova Blazej, the primary person working on this project. Nova Blazej can be reached at 415-744-2089 or [blazej.nova@epa.gov](mailto:blazej.nova@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa B. Hanf". The signature is fluid and cursive, with the first name "Lisa" and last name "Hanf" clearly distinguishable.

Lisa B. Hanf, Manager  
Federal Activities Office

Attachments: Summary of EPA Rating Definitions  
Detailed Comments

cc: Marianne Payne, BART

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**U.S. EPA DETAILED COMMENTS**  
**BART-OAKLAND INTERNATIONAL AIRPORT CONNECTOR DEIS**

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Maintenance/Storage Facility

The DEIS does not identify the candidate maintenance/storage facility sites under consideration for the Quality Bus Alternative, nor is an environmental review performed for these sites. The DEIS states that if the Quality Bus Alternative is selected, the maintenance/storage facility sites would undergo environmental review (p. 2.3-17). The construction of the Quality Bus maintenance/storage facility sites is a connected action, i.e. construction of this facility would only occur with the implementation of the Quality Bus Alternative. Thus, an environmental review is required for these sites and should be included in this EIS (CEQ regulations 40 CFR Part 1508.25(a)(1)). Potential areas of concern include Environmental Justice, impacts to water resources, and the presence of hazardous materials.

*Recommendation:*

- In the FEIS, specifically identify the sites under consideration for the Quality Bus maintenance/storage facility and include an environmental review of those sites.

Wetlands Impacts

A formal delineation of jurisdictional wetlands should have been performed for the DEIS. The inclusion of this information would have 1) clarified agency roles and responsibilities and 2) provided a basis for more detailed mitigation measures. It appears that a nationwide permit may be applicable to this project (p. 3.10-10). However, if the Army Corps of Engineers (ACOE) determines that an individual permit is required, EPA has the authority to play a very active role in the project development as outlined in the NEPA/Clean Water Act Section 404 Integrated Process Memorandum of Understanding (MOU).

*Recommendations:*

- Perform a formal jurisdictional wetland delineation. Determine the need for a nationwide or individual permit and contact EPA if an individual permit is required.
- Describe detailed mitigation measures approved by ACOE.
- Include this information, and supporting written correspondence from ACOE, in the FEIS.

Cumulative Impacts to Wetlands

The DEIS notes that cumulatively, wetlands in the project area will be significantly impacted and states, "mitigation for significant biological impacts would occur through the Corps' 404 permit process and the U.S. Fish and Wildlife Services' Section 7 consultations ..." (p. 3.10-21). According to CEQ's *40 Most Frequently Asked Questions* number 19(b), the DEIS should

provide more detailed direction for mitigating these significant impacts. The DEIS should include all relevant, reasonable mitigation measures, even if they are outside the jurisdiction of the lead agency or cooperating agencies. The intent of this provision is to alert agencies or officials who can implement these mitigation measures.

*Recommendation:*

- Where appropriate, identify mitigation measures for the significant cumulative impacts to wetlands and identify those parties with implementation authority and/or responsibility.

Air

The section on Air Quality should include a discussion of the new standards adopted by EPA in 1997 for ozone and particulate matter. Although EPA has not yet designated any areas of the country as nonattainment for the new standards, the Air Quality section of the DEIS warrants a discussion of these new standards. In addition, please be aware that new guidance has just been issued by the Federal Highway Administration for qualitative project level "hot spot" analysis in particulate matter less than ten microns (PM10) maintenance and nonattainment areas and may be applicable to the FEIS. A copy of this guidance is available from our office.

Pollution Prevention

The Resource Conservation & Recovery Act (RCRA) Section 6002 requires federal, state, local agencies, and their contractors, that use appropriated federal funds to purchase EPA-designated recycled materials, including EPA-designated transportation, construction, and landscaping products. In addition, EPA supports deconstruction and materials reuse in projects where existing structures are removed.

*Recommendation:*

- Commit to materials reuse, where appropriate and feasible, and include a commitment to the Buy-Recycled requirements. For further details, please see EPA's web site at <http://www.epa.gov/cpg>.

EPA recognizes that BART has not yet selected an AGT technology. EPA strongly encourages BART to commit to using low-emission, environmentally friendly technology for any alternative selected.

# SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

## ENVIRONMENTAL IMPACT OF THE ACTION

### *"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

### *"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

### *"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

### *"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

## ADEQUACY OF THE IMPACT STATEMENT

### *Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

### *"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

### *"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."